

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION (TOLEDO)

TINA BURRIS,	) CASE NO. 3:20-cv-01450
Plaintiff,	)
v.	) JUDGE JAMES R. KNEPP II
ETHICON, INC., et al.,	)
Defendants.	) <b><u>DEFENDANTS' NOTICE OF</u></b> ()
	) <b><u>AMENDMENT TO TRIAL BRIEF</u></b> )

Defendants Ethicon, Inc. and Johnson & Johnson (“Ethicon”) submit this notice to alert the Court to an amendment to Ethicon’s position set forth in Defendants’ Trial Brief (Doc. 200). In subsection (B)(2) of the Trial Brief, Ethicon referenced Ohio’s exception to punitive damages for products that have been approved of or licensed by the FDA, R.C. 2307.80(C)(1). *See* Doc. 200 at 12-13. The parties have, however, stipulated to the exclusion of FDA evidence from trial, including evidence of the Prolift product’s § 510(k) clearance. Consequently, Ethicon does not anticipate raising the R.C. 2307.80(C)(1) exception at this time. Ethicon reserves the right to reassert this statutory exception at the directed verdict stage if for some reason evidence currently excluded under the stipulation is admitted at trial.

Respectfully submitted,

*/s/ Michael J. Ruttinger*

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2022, a copy of the foregoing was filed electronically.

Service of this filing will be made by operation of the Court's electronic filing system.

*/s/ Michael J. Ruttinger*

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